

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER GRANTING IN PART AND
DENYING IN PART
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. Nos. 595, 596

Plaintiff Waymo LLC (“Waymo”) filed an Administrative Motion to File under Seal Portions of its Letter Brief to Compel Production of Materials Withheld by Anthony Levandowski under the Fifth Amendment and Exhibits 3, 4, and 5 thereto. (Dkt. No. 595.)

Uber filed a declaration in support of Waymo’s Administrative Motion. (Dkt. No. 648.) Uber argues that Exhibit 3, an excerpt from Uber’s responses to Waymo interrogatories, contains “highly confidential business information that would competitively harm Uber if disclosed.” (*Id.* at 2¹.) As portions of Exhibit 3 contain the names and locations of Uber employees working on LiDAR-related projects, Uber argues “disclosure of their information would harm their privacy.” (*Id.* at 3.) In addition, Uber argues that Exhibits 4 and 5 “contain highly confidential business information relating to business transaction negotiation steps, timing, and strategy,” while “the highlighted portions on page 7 of Waymo’s Letter Brief describe highly confidential business information” contained in those exhibits. (*Id.*) Uber argues that disclosure of this information would harm its competitive standing. (*Id.*)

Having considered the administrative motion, and good cause to seal having been shown,

¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

the Court GRANTS Waymo's Administrative Motion IN PART and ORDERS sealed the document listed below:

1) The entirety of Exhibit 3, except for 3:17- 4:25. (Dkt. No. 595-8.)

However, in Uber's declaration, Uber did not address the sealing of the highlighted portion of page 5 in Waymo's letter brief. Thus, the Court DENIES sealing of that portion of the document. (Dkt. No. 595-4 at 5.) Further, Uber's assertion that Exhibits 4 and 5 and the highlighted portion from page 7 of Waymo's brief is "highly confidential business information" is frivolous. That Uber and Mr. Levandowski discussed the potential acquisition before he departed Waymo is not a trade secret or otherwise privileged. The Court expects that Uber will not make similar arguments going forward.

For the reasons stated above, Waymo's Administrative Motion is GRANTED in part and DENIED in part. Waymo shall file versions of its briefs and exhibits consistent with this Order by no later than June 30th, 2017. *See* N.D. Cal. Civ. L.R. 79-5(f)(3).

This Order disposes of Docket Nos. 595 and 596.

IT IS SO ORDERED.

Dated: June 23, 2017



JACQUELINE SCOTT CORLEY
United States Magistrate Judge